

ARTICLE 59

(Zoning Bylaw Amendment: Major Residential Development Special Permit)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket § 7, subsection H, "Special Permit to create secondary residential lots for year-round residents," as follows *(NOTE: New language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of final text)*:

H. Special permit to create secondary residential lots for year-round residents.

- (1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below ~~80%~~ **150%** of the Nantucket County median household income; to help those people or households to continue to reside on Nantucket if they wish to do so; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.

(2) Definitions:

NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM – Shall mean a covenant affecting the title to real property, created pursuant to Chapter 100 of the Code of the Town of Nantucket, which relates to and regulates the terms of the purchase, sale and ownership of real property not held as a condominium (the "NHNC-Ownership Form").

ORIGINAL LOT – Shall mean an existing lot, conforming to the dimensional requirements of Subsection H(3)(e) hereof, and other applicable requirements hereof, dividable into a primary lot and a secondary lot pursuant to this § 139-7H.

PRIMARY LOT – Shall mean the larger of the lots created by the division of the original lot under this § 139-7H.

SECONDARY LOT – Shall mean the smaller of the lots created by the division of the original lot under this § 139-7H. The secondary lot shall be subject to an NHNC-Ownership Form.

- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board as special permit granting authority, in its discretion, pursuant to and subject to this § 139-7H, may issue a special permit, with conditions, authorizing the division of the original lot into a primary lot and a secondary lot, which special permit may include approval and endorsement of a plan not requiring approval under the Subdivision Control Law as such plan is defined and described in MGL c.41 § 81P, provided the following requirements and/or conditions shall apply to all applications for relief hereunder and all special permits granted hereunder, as the case may be:

- (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the placement, use or occupancy of second dwellings on said original lot.
- (b) The secondary lot shall be subject to an NHNC-Ownership Form, which shall provide, without limitation that the owner of the secondary lot, and any occupant of any dwelling erected thereon, shall earn at or below ~~80%~~ **150%** of the Nantucket County median household income.
- (c) No more than one dwelling shall be permitted on the primary lot.
- (d) No more than one dwelling shall be permitted on the secondary lot.
- (e) The minimum area for the original lot, the primary lot and the secondary lot shall be as follows:

Zoning District	Minimum Original Lot Size (§ 139-16A)	Minimum Secondary Lot Size	Minimum Primary Lot Size
LUG-1	40,000	15,000	25,000
LUG-2	80,000	25,000	55,000
LUG-3	120,000	35,000	85,000
R-10	10,000	4,000	6,000
R-2/SR-2	20,000	8,000	12,000
R-1/SR-1	5,000	2,000	3,000
ROH/SOH	5,000	2,000	3,000
RC	5,000	2,000	3,000
RC-2	5,000	2,000	3,000
LC	5,000	2,000	3,000

- (f) The primary lot and the secondary lot shall comply with the ground cover, front setback, side setback and rear setback requirements of the underlying zoning district, with the exception that the ground cover ratio solely for a secondary lot in the R-1 Zoning District shall be 36%.
- (g) The primary lot and the secondary lot each must have a minimum of 20 feet of frontage.
- (h) Neither the primary lot nor the secondary lot shall have a separate vehicular access driveway, but shall share a single access driveway to a roadway. No more than one primary lot and one secondary lot shall share a single access driveway with any other primary lot or secondary lot. The Planning must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection.

- (i) Where a primary lot and a secondary lot derive from the same original lot, the relationship of the dwelling situated on that primary lot and the dwelling situated on that secondary lot shall be maintained in accordance with the intent of § 139-7A(2), and the specific requirements of § 139-7A(2)(a), (b), (d), (e), and (h) with regard to the use and appearance of those respective dwellings.
 - (j) A certificate of appropriateness required in § 139-26C(1) of the Code of the Town of Nantucket shall be an application requirement for a special permit under this § 139-7H.
- (4) This § 139-7H shall not apply to major commercial developments, (§ 139-11); cluster developments (§ 139-7B); major residential developments (§ 139-7D); and are not permitted in the following zoning districts: Multi-family Overlay (MF); Residential Commercial Downtown (RCDT); Moorlands Management (MMA); Special Academy Hill (AHD); Special Our Island Home (OIH); and Assisted/Independent Living Community District (ALC).
- (5) Section 139-16D, Regularity formula, shall not apply to this § 139-7H.
- (6) No more than 12 secondary lots may be approved by the Planning Board within each calendar year, of which no more than two shall be approved for a single applicant.

(Board of Selectmen for Planning Board)